

**NATURAL RESOURCES BOARD AGENDA ITEM**

Item No. \_\_\_\_\_

**SUBJECT:**

**FOR: APRIL 2003 BOARD MEETING**

**TO BE PRESENTED BY:** Caroline Garber, Chief, Environmental Studies Section

**SUMMARY:** This request seeks adoption of proposed revisions to Chapter NR 445, Control of Hazardous Pollutants, and related chapters. The proposed revisions are the first comprehensive update to NR 445 since its adoption in 1988. These rule revisions are needed so the rule reflects current scientific knowledge about the impact of hazardous air pollutants on public health. The revisions propose to add 144 hazardous air pollutants to the NR 445 tables; to remove 6 pollutants from the NR 445 tables; and to establish regulatory thresholds, emission standards, permit and emission inventory reporting requirements for the newly listed substances. The revisions propose to establish risk-based thresholds for carcinogens. Emission standards are revised significantly for 116 of the 438 currently listed hazardous air pollutants. The revisions also propose regulations for sources that handle and store coal and stationary internal compression ignition engines. The rule revisions are also being proposed to improve the regulatory system by introducing alternative methods for demonstrating compliance and adding measures to reduce, streamline and clarify regulatory requirements.

After NR 445 was adopted in 1988, revisions were approved by the Board in 1991 to incorporate the results of special studies. In 1994 the Board adopted additional emission standards for hazardous air pollutants known to cause chronic, non-carcinogenic health effects. The Board authorized hearings on this rule revision package in June 2002.

Public comments were submitted by trade associations, companies, state and local health departments, environmental and civic organizations and over 1000 citizens. After the hearings, several meetings were held with stakeholders to discuss their comments on the following issues: coal dust, diesel generators, regulatory threshold levels, variance procedures for incinerators, and the state/federal program relationship. Where appropriate, changes were made to the rule in response to the comments received.

**RECOMMENDATION:** Adopt the proposed revisions to NR 445 and related chapters.

**LIST OF ATTACHED MATERIALS:**

|  |   |   |          |
|--|---|---|----------|
| No <input type="checkbox"/>            | Fiscal Estimate Required                              | Yes <input checked="" type="checkbox"/> | Attached |
| No <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes <input type="checkbox"/>            | Attached |
| No <input type="checkbox"/>            | Background Memo                                       | Yes <input checked="" type="checkbox"/> | Attached |

**APPROVED:**

\_\_\_\_\_  
Bureau Director, Lloyd L. Eagan

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator, Jay G. Hochmuth

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Scott Hassett

\_\_\_\_\_  
Date

cc: Linda Jahns - AD/5  
Carol Turner - LS/5

L. Eagan - AM/7

## STAFF REVIEW - DNR BOARD AGENDA ITEM

### REMINDER

Have the following questions been answered under the summary section of this form?

- Why is the rule needed?
- What are the significant changes?
- What are the key issues/controversies?
- What was the last action of the Board?

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### LIST OF ATTACHED REFERENCE MATERIAL REQUIRED FOR RULE PROPOSALS:

Hearing authorization:

Final adoption:

Background memo (if needed)\*

Background Memo (if needed)\*

Fiscal Estimate

Response Summary

Environmental Assessment (if needed)

Fiscal Estimate

Rule

Environmental Assessment (if needed)

Rule

- \* If all the questions listed in the REMINDER section above can be adequately summarized on the Green Sheet (and a second sheet if needed), the Background Memo may be omitted.

| Unit   | Reviewer | Date | Comments |
|--|----------|------|----------|
| Environmental<br>Analysis and<br>Review              |          |      |          |
| Management and<br>Budget                             |          |      |          |
| Legal Services<br>-Program Attorney<br>-Carol Turner |          |      |          |
| Other<br>(if applicable)                             |          |      |          |